

1 *E-FILED: July 16, 2013*

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5 NOT FOR CITATION

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IN THE UNITED STATES DISTRICT COURT

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FOR THE NORTHERN DISTRICT OF CALIFORNIA

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SAN JOSE DIVISION

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PETER SIEGEL,

No. C12-03787 HRL

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Plaintiff,

**ORDER GRANTING IN PART AND
DENYING IN PART PLAINTIFF'S
MOTION TO CONTINUE HEARING
ON MOTION FOR SUMMARY
JUDGMENT**

v.

HEWLETT-PACKARD COMPANY,

Defendant.

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In this employment discrimination suit, defendant filed its motion for summary judgment on January 4, 2013 and set an original hearing date of April 30, 2013. The parties continued the hearing date three different times, by stipulation, and it is currently set for July 30, 2013.¹ Plaintiff now moves for a three month extension of the current hearing date and his deadline for filing an opposition to defendant's motion. In support of his motion, filed seven months into the discovery period of this case and within days of the deadline for plaintiff's opposition, plaintiff raises, for the first time, the specter of a discovery dispute as grounds for continuing the briefing scheduling and hearing date. Defendant opposes the motion. As the parties are aware, this court has a mechanism for resolving discovery disputes.² Plaintiff neglected to use this mechanism and instead appears to

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¹ The parties stipulated to extending plaintiff's deadline to oppose defendant's motion four times, although the Court did not enter the proposed order filed with the most recent stipulation, which gave plaintiff until July 16, 2013 to file his opposition.

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² The Court advised the parties in person and in its case management order that, in the event discovery disputes arise, the parties shall comply with this court's "Standing Order re: Civil Discovery Disputes," which sets forth the applicable requirements and procedures for filing Discovery Dispute Joint Reports rather than noticed discovery motions. (Dkt. 27). Plaintiff was well aware of this procedure. In fact, he asked the Court to waive the requirement that meet and confers over Discovery Dispute Joint Reports occur in person. (See Dkt. 35).

1 be using the idea of a discovery dispute, at the eleventh hour, to buy another three months of time to
2 respond to defendant's motion. Plaintiff has not convinced the Court that good cause exists to grant
3 another three month extension. Instead, the following schedule shall apply:

4 Deadline for plaintiff's opposition to defendant's motion for summary judgment: **August 6,**
5 **2013;**

6 Deadline for defendant's reply, if any: **August 13, 2013;**

7 Hearing on plaintiff's motion for summary judgment: **August 27, 2013 at 10:00 am.**

8 The Court is not inclined to grant any further extensions.

9 **IT IS SO ORDERED.**

10 Dated: July 16, 2013

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12 HOWARD R. LLOYD
13 UNITED STATES MAGISTRATE JUDGE

1 **C 12-03787 Order will be electronically mailed to:**

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5 **Counsel are responsible for distributing copies of this document to co-counsel who have not
6 registered for e-filing under the court's CM/ECF program.**